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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/231,066

01/14/99

RUUTU

V

442-008422-U

EXAMINER

WM02/0118

CLARENCE A GREEN  
PERMAN & GREEN  
P O 425 POST ROAD  
FAIRFIELD CT 06430

MEHERPOUR N

ART UNIT

PAPER NUMBER

2682

DATE MAILED:

01/18/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/231,066**

Applicant(s)

**Ruutu et al.**

Examiner  
**Naghmeh Mehrpour**

Group Art Unit  
**2682**



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-8 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-8 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The information disclosure statement filed reference listed in the information Disclosure submitted on 01/14/99 have been considered by the examiner (see attached PTO-1449).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-8**, are rejected under 35 U.S.C. 102(b) as being anticipated by International Publication WO 96/35306.

Regarding **Claims 1, 7, 8**, the international publication WO 96/35306 teaches a method of determining the position of a mobile communications device within a cellular network, the method comprising the steps of:

transmitting data to the mobile communication device from the cellular network, the data identifying to the mobile communication device a list of radio channels corresponding to

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respective radio transmitters of the cellular network, the list being determined on the basis of the approximate position of the mobile communication device, and

causing the mobile communication device to listen on the identified channels, or on other channels excluding the identified channels, and to determine from information transmitted over the listened to channels data values related to the relative geometry of the mobile communication device and the radio transmitters transmitting the listened to channels, and

determining the position of the mobile communication device using the determined data values (Page 9 lines 13-30, Page 11 lines 25-30).

Regarding **Claims 2, 6**, the international publication teaches a method wherein the transmitters are provided by respective base transceiver stations and the data transmitted to the mobile device identifying the list of radio channels comprises a set of radio channel numbers known to the mobile device (Page 9, lines 13-30).

Regarding **Claims 3**, the international publication teaches a method wherein the data values are time relationship values to the transmission delay times between the mobile device and the radio transmitters transmitting the listened to channels (Page 9, lines 13-30, Page 11 lines 25-30).

Regarding **Claims 4-5**, a method wherein the time relationship values are observed time differences (OTD) each being the difference between the transmission delay time between the mobile and one of the radio transmitters transmitting the listened to channels, and the transmission delay time between the mobile device and a radio transmitter of a base transceiver station currently serving the mobile device (Page 11 lines 9-32).

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***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Silventoinen et al.** (US Patent Number 6,108,553) disclose mobile station positioning system

**Vanderpool, II** (US Patent Number 6,108,558) disclose method for calculating a location of a remote unit utilizing observed time difference (OTD) and real time difference (RTD) measurements.

**Roel-Ng et al.** (US Patent Number 6,002,936) disclose system and method for informing network of terminal based positioning method capabilities

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 305-9051, (for formal communications intended for entry)

**Or:**

(703) 305-9508, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")


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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m to 5:00 p.m.

NMM

Jan 12, 2001

  
VIVIAN CHANG  
PRIMARY EXAMINER